

MINUTES
PUBLIC HEARING ON AMENDING HUNTING ORDINANCE 2007-7 and THE
REGULAR TOWN COUNCIL MEETING

WEDNESDAY, AUGUST 21st 2019 AT 6:30 P.M.
CASTLE VALLEY COMMUNITY CENTER - 2 CASTLE VALLEY DRIVE

Council Members Present: Council Members: Hill, O'Brien, Holland and Mayor Duncan. CM Drogin attended electronically by phone using the Town Building, 2 Castle Valley Drive as the anchor site.

Absent: None

Others Present: Dustin Mitchell, Division of Wildlife Ron Drake, Colleen Thompson, Tom Wood, Donna Kramer, Jack Campbell, Peggy and Norman Llewellyn, Laurie Simonsen, Ted Bright, Bob Lippman, Faylene Roth , Pamela Gibson, Laura Cameron , Mary O'Brien and Diane Ackerman

Clerk: Jocelyn Buck

Call to order

Mayor Duncan called the Public Hearing and Regular Meeting to Order at 6:32 PM

PUBLIC HEARING

M Duncan introduced the Public Hearing on Amended Hunting Ordinance 2007-7 options for changing the Hunting Designation around the boundaries of residential areas consisting of mainly BLM land with some Utah Open Lands that is currently designated shotgun and primitive weapons only. The proposed changes would be for an Archery only buffer. Currently some sides of the Upper 80 residences don't have the same protection from hunting as the areas with primitive weapons and shotgun only designation. Duncan added this was brought up because residents of the Upper 80 do not feel they have enough protection from hunting.

Faylene Roth asked if there was any research done on how much successful hunting has been done in the areas under consideration.

Dustin Mitchell stated that deer tags are not required to be turned in. Only check stations get the harvest information, in the last 5 years he thought there were only 3 turned in from the Castle Valley area. The weapons used are not tracked

Mary O'Brien asked how far a primitive weapon can shoot.

Dustin Mitchell stated that modern muzzle loader can shoot as far as a modern rifle.

M Duncan stated that 600 feet is currently the State law on discharge of a firearm from a structure.

Mary O'Brien concluded that to some degree there is no difference between a primitive weapon and a modern rifle. Except that a muzzle loader is a single shot.

Jack Campbell stated that he felt people ought to be able to feel safe in their house and on their property. And that the general "no hunting" perimeter distances should be set by the distance an arrow or a primitive weapons can be shot. Even civil war weapons could be shot very long distances. He believes that the buffers should extend out beyond that shooting range. He supports both hunting designation proposals.

Tom Wood asked for the hunting season dates.

Dustin Mitchell reported this year the Archery season is open now (August 17th) to September 13th. The "Any weapon" hunt is from October 17th and it runs 9 days until October 27th. Muzzleloader season is September 25th through October 3rd. There is no specific primitive weapon hunting season. According to

our proposed designations you could only use archery in the Archery season and the any weapons hunt and muzzleloaders in the muzzleloader and any weapons season.

Tom Wood asked for clarification to be lawful would a hunter need to be 600 feet away from a residential area and shooting in the direction away from that residential area.

Dustin Mitchell stated the intent is that the hunter would be shooting away from that 600 boundary.

Mary O'Brien asked if it was legal to shoot into that 600 foot buffer

Dustin Mitchell commented that would be a question for law enforcement.

Woods commented that these laws are not spelled out as clearly as they ought to be.

Dustin suggested we bring that up with the RAC.

Bob Lippman read his comments and submitted them as Attachment #1

Lippman added in his conclusion that having the archery only or a Town hunting restriction completely would allow for very clear delineation of hunting areas compared to the second proposal for primitive weapons or even the DNR's present designation reverting back to primitive weapons up the fence line which he believes is untenable and not appropriate. He still believes and condones that the 2007 Hunting Ordinance is fully enforce in the Town. And he refers to that as the law and we should be conscious of this and not necessarily accept any verbal agency assertion that is not duly enforced.

Laura Cameron stated she has lived on Taylor Lane adjacent to Utah Open Land since 2002. She reported that she has been terrorized by hunters coming up through Utah Opens Land close to her property. As well as hunter's vehicles driving up and parking at the top of Taylor to access Utah Open Lands which would mean hunters are trespassing on private property. Her life changed dramatically and she felt so much better when the 2007 Ordinance came into effect, but she still has concerns for the safety of her friends and neighbors in the Upper 80 being exposed to hunting so close. With thousands of acres of BLM land she does not see why we need hunting within 600 feet of our Town. She thinks we will all feel a lot safer if we can have Ordinance 2007 in effect. She requested that the hunting season dates be posted by the Town.

Diane Ackerman asked to have the hunting season dates clarified.

Tom Wood would like no hunting in the entire Town Boundary. He suggested the Town could put up signs letting Hunters know the Town prefers that hunting is not done within a mile of Town residential areas. Hunting might be legal there but we don't want it.

Colleen Thompson expressed she liked Bob Lippman's suggestion allowing hunting access only from the south and east and not through the Town as trespassing has been a problem in the past.

CM Holland read the Hunting Safety Comments required for the RAC and DWR process to amend the hunting designations. Attachment#2

M Duncan extended the Public Comment period open until September 6th.

Close Public Hearing

Mayor Duncan thanked Dustin Mitchell -DWR for coming and closed the Public Hearing at 7:09 PM

1.Regular Town Meeting Open Public Comment-None

2. Approval of Minutes:

*Regular Town Council Meeting July 17, 2019.

CM O'Brien motioned to approve the Minutes, CM Holland seconded, motion passed, CM Hill abstained.

3. Executive Reports:

* EMS District- Ed Weeks - not present

*Roads Committee - Mingo Gritts- Minutes provided no questions or comments

*Planning & Land Use Commission-Colleen Thompson- Minutes provided no questions or comments. CM O'Brien corrected the Draft PLUC minutes that he will have the Survey quantitative analysis before the next PLUC Meeting.

*Housing Task Force- M Duncan Minutes provided no questions or comments

*Water Agent Report - John Groo- not present

*Fire District-M Duncan

M Duncan reported that the Fire District may want to do a trade in kind for work the Road crew would do driveway work on Lot 13 for water use.

*Landscaping Report- CM Drogin

Buck reported that it has been so hot for Eileen to spend a whole day here to make it worth her while coming from Cisco. Also the road work on 128 has made it difficult for her. Buck plans on meeting with Eileen and discussing projects for the Fall when the weather cools off.

*Solid Waste District-Stephanie Hambrosky- Written Report

*Treasurer's Report- CM Hill

CM Hill stated this report is for the end of the 2019 fiscal year adding that everything looked good. We had a surplus of \$33000 mostly due to additional tax, lower than expected legal fees and the Shafer lane extension cost us less.

4. Correspondence: County Meeting Minutes will be available to the Town Council through the Grand County website not forwarded from the Clerk.

5. Administrative Matters & Procedures: There is an opening on the Road Committee.

Follow up to Lot 417 Castle Valley Drive. M Duncan reported that the Realtor is aware and is not advertising the property for a non-permitted use. If someone buys it and wants to use it for a non-permitted use then we will have to deal with that at that time.

CM Hill requested a Special Meeting in order to put a moratorium on the Conditional Use Permit for additional animal units.

It was discussed and agreed that the Council will hold a Special Meeting to pass the moratorium and direct the Planning and Land Use Commission to work on Ordinance 85-3 Section 4.10 CUP for additional Animal units.

UNFINISHED BUSINESS

6. Discussion and Possible Action re: Planning and Land Use Commission recommendation to Town Council to approve the nonpermanent conditional use permit applications for livestock exceeding the permitted animal units on Lots 54, 55, and 429 with the conditions approved at the May 8, 2019, PLUC Meeting. (tabled)

CM Hill motioned to un-table, CM Drogin seconded, motion passed unanimously.

M Duncan reported that the Hollings have withdrawn their applications.

Item dropped.

NEW BUSINESS

7. Discussion and Possible Action re: Amended Hunting Ordinance 2007-7 Archery Buffer.

M Duncan would like some input from Wendy Fisher with Utah Open Lands and hear from anybody else and will extend the Comment period to 9-4-19. Then the Ordinance will need to go for legal review. M Duncan continued that within this Ordinance there are some sections that deal with the exceptions allowing the use of firearms for slaughter and varmint control within the Town. This may not comply with State law. The Ordinance was written before the Valley was so populated. So we may to amend the firearms section of the Ordinance as well.

CM Holland added allowing residents to slaughter animals within 600 feet of other residences could also affect future Animal Ordinances for livestock raising in general.

Discussions continue on humane slaughtering procedures and options.

Buck asked if we should have two Ordinances to separate the Hunting Ordinance from the in Town Firearm use.

CM Hill got Council's agreement that they preferred the Archery Only buffer option.

CM Holland added that the only reason they added the Primitive Weapons buffer was it would be a compromise in order to get support from the DWR.

M Duncan stated there is third option; her concern has been that if the RAC and Wildlife Board do not agree to either proposal that still leaves the Upper 80 residents unprotected from "any weapon

hunting". She recommended that a third option could extend the current primitive weapons only buffer out around the Upper 80 so they at least have the same "protection" as the rest of the residents. She added this may not be an ideal solution but is an option.

Bob Lippman added that the Town has an inherent authority to regulate for public health, safety and welfare by its power independent from DNR to regulate firearm discharges just as other Towns in Utah have successfully done. And he finds it unsettling that this process is required through the DNR because he thinks the Town's authority trumps that and we are waiting to hear from Draper and Park City how and if they did this without going through the DNR approval process.

Lost phone contact with CM Drogin

CM Hill motioned to table, CM O'Brien seconded, motion passed unanimously.

8. Discussion and Possible Action re: Amended Hunting Ordinance 2007-7 Archery/ Primitive Weapons Buffer.

CM Hill motioned to table, CM O'Brien seconded, motion passed unanimously.

9. Discussion and Possible Action re: Amending the Community Impact Fund Board (CIB) List.

M Duncan briefed the Council on what the Town has on the CIB list of the CIB meeting coming up. It was decided that the Castle Valley Drive Culvert and the CV Drainage Study will remain as is "to be determined" on the List. The Isotope Study is the most important and the Water Committee will start working on other funding sources/options.

CM Hill stated this is an important study and that our share of \$5000 could come out for the General in the Spring. John Groo had previously stated that the USGS would pay half of our part.

CM Holland clarified that the total cost would be \$55000.00 and our portion would be \$5000.

M Duncan stated we do not know exactly what our portion will be until we have explored other potential funding sources.

After discussion it was decided by the time these other funding sources are explored and the Town can allocate funds the project should be put on the CIB list for Spring 2021.

CM Hill motioned to make this change to our CIB listings, CM O'Brien seconded, motion passed unanimously

10. Discussion and Possible Action re: Municipal Telecommunication License Tax.

Buck explained that this License gives the Utah Tax Commission authority to collect taxes on phone services from residents for the Town. This would be an added tax to resident's current bills.

Thompson concluded that this would be another little income source for the Town.

CM Hill stated this seems like a convoluted way of getting tax money when we could just raise our taxes and not have to involve the State or the Telecommunication Companies. Last time we raised taxes did we have even one comment against it.

Peggy Llewellyn reported that were she lived the Town received this money and that the Franchises are collecting taxes anyways.

In general more information was needed on what we can charge Emery for : legal fees, taxes etc.

Item dropped

11. Discussion and Possible Action re: Purchase of Generator

CM Hill motioned to approve the \$769.00 for the purchase of the generator; CM O'Brien seconded motion passed unanimously

12. Discussion and Possible Action re: Purchase of Location Finder

CM Hill motioned to approve the \$771.99 purchase of the Location Finder; CM O'Brien seconded motion passed unanimously

13. Closed Meeting (If necessary).

14. Payment of the bills.

CM O'Brien motioned to pay the bills, CM Holland seconded, motion passed unanimously.

ADJOURNMENT

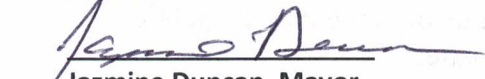
CM Hill motioned to adjourn, CM O'Brien seconded, motion passed unanimously.

M Duncan adjourned the Meeting at 7:59 PM

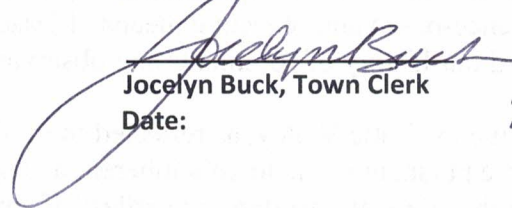
Attachment #1 Comments regarding proposed amended hunting Ordinance- Bob Lippman and Pam Hackley

Attachment #2 Hunting Safety Document

Approved:


Jazmine Duncan, Mayor
Date: 9/19/2019

Attested:


Jocelyn Buck, Town Clerk
Date: 9-19-19

Attachment #1

To: Town Council, Town of Castle Valley

From: Robert Lippman and Pam Hackley

Date: 8/21/19

Re: Comments Regarding Proposed Amended Hunting and Firearms Regulation Ordinance

Greetings, and thank you to the Council for properly revisiting this process (and extending the time to comment) in order to appropriately address hunting safety in Castle Valley. Both Pam and I support hunting, balanced by reasonable provisions to protect resident and visitor safety, through evidence-based and objective means. Please refer to, and incorporate into the public hearing record our history of comments and observations in this matter.

The bottom line in Castle Valley, as reflected in the 2007 Ordinance (which I still contend is legally in force pursuant to the town's inherent and statutory power to regulate for the protection of public health, safety and welfare, regardless of any mere agency contentions to the contrary), is that resident and visitor safety is objectively placed in jeopardy by allowing the use of firearms within and adjacent to the Ranchos and other areas within town boundaries used for recreation and other purposes.

Justifiable "buffers" between residences and roads, and areas where hunting is permitted must consider modern ballistics range, which generally implicates a 1-mile safety zone. Historically, and as recently as 2017, residences both along the eastern fence line of the Ranchos and in the Upper 80 have been exposed to live fire well within that margin, and reportedly (including personally) even within the ridiculously unrealistic and laughable (if it weren't so threatening) 600-foot State rule.

Arguably the clearest and best way to achieve the goals of reasonably protecting resident and visitor safety, minimizing liabilities, eliminating trespass conflicts, achieving clarity of notice and boundaries for hunters, reducing wildfire risk, and optimizing enforcement efficacy, would be to simply prohibit hunting and/or firearms discharge within town limits, such as has been done over very large areas in other municipalities/entities in Utah, including Park City, Draper, Emigration Township, and most of Alta (which is 80% Federal land). We would again suggest that the Town consult with administrators of these other municipalities for perspective, if it has not already done so. The Castleton (Loop) Road, which defines part of the town boundary, provides the clearest demarcation landmark to achieve these goals. Consistent with this is the fact that Castle Valley ordinances have already duly prohibited the use of virtually all firearms, in most areas, independent of any hunting designations, and can easily extend this to include the entire town limits.

Having noted the above, the proposed designation delineating an **Archery-only** buffer zone between the Ranchos fence and the north-south "Round Mountain Road" (as per the 2007 Ordinance), and including the Utah Open Lands Critical Range conservation parcel within the town, is the *only* reasonable and workable alternative (to an ideal town-wide restriction) that meets the objective goals stated above. Designating an Archery-only buffer strip along the northern portion of the UOL parcel located outside the Town boundary, adjacent to the Upper 80 lots, would be consistent with this, and would be required also to consistently meet these goals; however, note that proposed Ordinance amendment Section 5 would need to be redrawn to

Attachment #2

Hunting Safety

The Town of Castle Valley (TCV) firmly believes that hunting & public safety can coexist so long as rational distance & buffers are established between residential & hunting areas.

The TCV is a comparatively small island of 5626.27 acres sitting amid tens of thousands of acres of state & federally owned land where hunting with any legal weapon is permitted. The lands within the TCV boundaries encompass 2 residential areas; the upper end is primarily pinjon/juniper forest that is increasingly popular with recreational users. The TCV seeks to establish a buffer around these residential & recreational areas for safety purposes.

Safety First

There is an existing state regulation stating that discharging a firearm is not allowed within 600 ft of any building. This distance falls short of the stated distances listed for various types of firearms published on *Know Your Rifle or Handgun's Range* WA State hunter education website. (Not everyone agrees these distances are accurate, but requests for accurate info have not been met; it appears Utah does not have a comparable list of firearm ranges.) It is felt by many residents & recreational users that 600 ft. is not enough to ensure safety from bullets, given the rugged, uneven terrain that characterizes the area & wooded slopes that limit visibility, and that hunting with firearms puts people, pets, & property at risk. For the safety & welfare of residents & recreational users it is felt that hunting within the TCV boundary must be regulated. Having the narrow strip of land between the residential unit known as the Upper 80 & the larger residential part of the TCV be designated as 'no hunting', and having other lands surrounding the residential parts of the TCV be designated as archery only offers the best protection for people & property while still allowing appropriate hunting to occur there.

Community Support

There is overwhelming support from TCV residents (see survey results & email response) to limit hunting within TCV boundaries to archery only. The TCV has heard from several residents that for the last few years, during which time the TCV posted 'archery only' signs in error, the negative encounters with hunters experienced by residents of the Upper 80 had markedly decreased. The Game Warden, Adam, mentioned that the sheriff's office had very few reports of problems for the last several years - hunters obeying the posted 'archery only' signs may well be the reason.

In addition, many residents state that they do not report incidents to the sheriff. There are various reasons for this, among them: fear of repercussion, don't want law enforcement involvement, many feel that reporting such actions is a waste of time.

Breeding Population Protection

TCV lands are the de facto nursery for the state's deer herds, & adjacent UOL lands are Critical Winter Range for said deer. It then seems reasonable to protect the breeding population by limiting the hunting to archery only in this comparatively small area.

Simplification

Currently there are 3 different hunting designations in different parts of the TCV; even when people want to obey regulations, there is confusion. When people are looking for a loophole, this complexity works to their advantage. Signage must be clear & unambiguous.

In suggesting some different boundaries for hunting designations, much care has been given to simplifying these boundaries, making it easier for hunters & recreational users to clearly understand where the boundaries are & what they mean.

The TCV wants to coordinate efforts & goals with UOL & DWR; we hope we are aligned in our efforts to promote safety first. We feel it is imperative to do the right thing BEFORE disaster strikes. It's not enough to say that nothing bad has happened so far, & if something happens, then we'll address it.

The TCV invites DWR & UOL to join us in working proactively to safeguard human health & safety by doing what we can to prevent hunting accidents.

reflect any agreement reached with UOL (and DNR), as that portion of the parcel is again, outside the town boundary. UOL has expressed its extreme concerns regarding safety and liability issues regarding hunting on its lands adjacent to residences, and as I understand, will be submitting comments and taking action reflecting such. The Archery-only alternative and compromise still allows and preserves the *full* spectrum of hunting activity and weapons choice east of the "Round Mountain Road," on BLM land within the town, and approximately ¼ mile south of the Upper 80, on UOL and BLM land. This ¼ mile, however, is objectively insufficient, given ballistics range and experience, and should be extended at least another 1/2 to 3/4 miles; or better yet, for clarity, the entire southern parcel. Access to hunting areas south of the Upper 80 should be limited specifically from BLM land south and east of the UOL parcel, rather than via Castle Valley Drive.

The second proposed alternative which would allow a Primitive Weapons-only zone between a narrow Archery-only strip along the eastern Ranchos fence line and the "Round Mountain Road" would *not* satisfy any of the objective goals stated above, as it would allow modern muzzle loaders and repeat-action shotguns to be fired within town limits and easily within ballistics range of many residences and Castle Valley Drive, and as it would be virtually impossible to delineate and enforce.

Given the above, and the history of safety issues and concerns in Castle Valley, it is *ideally* recommended that the town council at least consider any pros and cons of simply prohibiting hunting and firearms discharges within the town, and work with UOL in extending the reach of such restriction (or designating an Archery-only buffer) where needed (south of Upper 80). Otherwise, the *ONLY* viable *alternative* would be the reasonable compromise proposed as the **Archery-only** buffer designation, incorporating provisions for consistent designation on UOL property within and directly adjacent to the town. In regard to this, please consult with UOL regarding their concerns and recommendations, and possible actions, *prior* to any 2020 proclamation deadline imposed by DNR for their arguably "courtesy" and nugatory review.

Lastly, due consideration and action will need to be taken and followed up on accurate and adequate notice and more appropriate (and less "advertising") signage, as well as enforcement mechanisms.

Again, we thank the town for properly addressing and acting assertively on an appropriate, objective balance between hunting opportunity and resident/visitor safety.

Bob Lippman / Pam Hackley
CVRR Lots 365/366